

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA
(CHARLESTON DIVISION)**

FILED
at 4 O'clock & 11 min. PM
JUN 18 2025

IN RE:

**Jacqueline Elizabeth Ard and
Terry Frank Nicola,
Debtor(s)**

**CASE NO.:25-01384-JD
CHAPTER 13**

United States Bankruptcy Court
Columbia, South Carolina

**NOTICE OF MEDICAL EMERGENCY
AND EMERGENCY MOTION FOR ADA
ACCOMMODATIONS, MEDICAL
PROTECTIONS, INJUNCTIVE RELIEF,
AND SANCTIONS**

**Emergency Motion for ADA Accommodations, Medical Protections, Injunctive Relief, and
Sanctions pursuant to ADA Title II (42 USC §12132)**

I. NOTICE OF MEDICAL EMERGENCY

Terry Frank Nicola (Stage 4 Parkinson's):

- Medical implants at 12% require immediate continuous charging to prevent: Cardiac/respiratory failure per physician Dr. Valeria Suski.
- Specialized medical care needed for Charcot Foot to avoid amputation; canceled appointments due to vehicle repossession

Critical Accommodations Required (Per Dr. Suski's Medical Directive):

- Continuous power for implant charging
- Service/emotional support animal
- Mobility scooter for movement
- Personal assistant for daily care

Jacqueline Elizabeth Ard:

- Severed right index finger risk of permanent paralysis; missed therapies due to vehicle repossession.

- Permanent paralysis is imminent without treatment by 6/23/2025; cancelled appointments due to vehicle repossession.

II. MEDICAL HUMANITARIAN CRISIS

A. Terry Nicola's Critical Conditions

1. Stage 4 Parkinson's Disease:

- Requires daily charging of implanted neurostimulators via continuous home power.
- System failure risk: Power loss causes imminent shutdown (coma/death risk).

2. Bilateral Charcot Foot:

- 3x/week wound monitoring to prevent infections leading to amputation.
- Specialist access: Only viable via personal vehicle (repossessed 6/10/2025).

B. Jacqueline Ard's Catastrophic Injury

1. Direct Result of Creditor Misconduct:

- Palmetto Electric's illegal power disconnection caused permanent right-hand paralysis.

2. Life-Altering Consequences:

- Zero functional use of dominant hand;
- Mandatory therapy: 2-3x/week for any chance of recovery;
- Inability to work or provide medical care for Terry Nicola. Medical assistant required

III. REQUESTED ADA ACCOMMODATIONS

Pursuant to **42 U.S.C. § 12132** and **Bankruptcy Rule 9029**:

1. **Video Conference Hearings:** For all proceedings (mobility limitations).
2. **Extended Deadlines:** 30-day extensions for filings during medical crises.
3. **Hearing Rescheduling:** For urgent medical episodes (Parkinson's complications).

4. **Court Aide:** Provided for note-taking/real-time transcripts.
5. **Court-Appointed Attorney:** Due to cognitive impairments (Parkinson's).
6. **Flexible Arrival Times:** +60 minutes for court appearances.

III. DEMANDED INJUNCTIVE RELIEF AGAINST DEFENDANTS

IMMEDIATE ACTIONS REQUIRED (WITHIN 2 HOURS OF ORDER)

Defendant	Action
West-Aircomm/Eagle Recovery	Return Terry's 2018 Jeep Grand Cherokee (transportation to mandatory appt for specialized care)
TitleMax	Return Jacqueline's 2017 Hyundai Elantra (hand therapy transport)
Palmetto Electric	Restore continuous power + waive fees
All Creditors	Cease harassment, calls, collection of debt, mail

ASSET RETURN & COMPLIANCE

- **Estate at Westbury:** Restore gate access/parking passes. Cease harassment and refrain from any activity interfering with Debtors' ability to reorganize. Cancel Lis Pendens
- **The Spa on Port Royal Sound:** Cease harassment and refrain from any activity interfering with Debtors' ability to reorganize. Cancel Lis Pendens
- **Hilton Head Resort:** Cease harassment and refrain from any activity interfering with Debtors' ability to reorganize. Cancel Lis Pendens
- **Zeidman's/Norman's Jewelry:** Return seized assets.
- **Go Store it:** Return seized assets. Refrain from any activity interfering with Debtors' ability to reorganize
- **Zeidman's/Norman's Jewelry:** Return seized assets.
- **Consumers Energy / DTE:** Restore accounts to activity status. Refrain from any activity interfering with Debtors' ability to reorganize

- **Polly Nicola:** Return all non-DSO funds and any other improperly seized assets.

IV. SANCTIONS FOR WILLFUL VIOLATIONS

1. **Monetary Damages:**

- **\$250,000 actual damages** (medical costs)
- **\$500,000 punitive damages** for disability discrimination

2. **Debt Voidance:** Cancel all claims of violating creditors.

3. **Criminal Referrals:** For fraudulent repossessions (Eagle Recovery).

V. FACTUAL BASIS FOR EMERGENCY

CRITICAL INCIDENTS

Date	Defendant	Violation
06/10/2025	Eagle Recovery	Seized vehicle during Terry's medical transport
04/06/2025	Palmetto Electric	Power cutoff → Jacqueline's catastrophic hand injury
03/26/2025	Julie Franklin, Esq.	Late appearance allowed by court for Juile Franklin; but Debtors were denied necessary protection based on a 7-min medical delay

DEFENDANTS' PATTERN OF ABUSE

- **Palmetto Electric/Consumers Energy/DTE:** Threatening shutoffs despite medical certifications.
- **Scott Wild, Esq./Wm Weston J Newton, Esq.:** Harassing litigants, tampering with Debtors mail, and blocking property access.
- **Hilton Head Resort:** Blocking property access.

VI. LEGAL GROUNDS

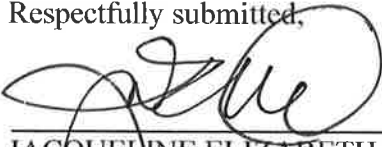
1. **ADA Title II** (42 U.S.C. § 12132): Failure to accommodate disabilities.
2. **Automatic Stay Violations** (11 U.S.C. § 362(a)(3)): Seizure of life-sustaining assets.
3. **Fiduciary Breach** (11 U.S.C. § 704(a)): Trustee ignored medical emergencies.

VII. RELIEF REQUESTED

1. **IMMEDIATE HEARING REQUIRED.** TERRY NICOLA'S SURVIVAL DEPENDS ON A 72-HOUR WINDOW OF CARE.
2. **Emergency Hearing TODAY** under Fed. R. Bankr. P. 9013(c)(1).
3. **ADA Accommodations Order:** Implement Section III immediately.
4. **Temporary Restraining Order:**
 - Enforce asset return/power restoration (Section IV).
 - Freeze all creditor actions.
5. **Sanctions:** Impose Section V penalties.

Dated: June 16, 2025

Respectfully submitted,



JACQUELINE ELIZABETH ARD, *pro se* Debtor
21215 Dartmouth Dr
Southfield, Michigan 48076
(313) 770-7051
Email: jacquelineard72@gmail.com



TERRY FRANK NICOLA, *pro se* Co-Debtor
21215 Dartmouth Dr
Southfield, Michigan 48076

**SOUTHFIELD PD**26000 EVERGREEN
SOUTHFIELD MI 48037
248.796.5500**Case Report****Administrative Details:**

CR No 250020295	Subject C3355 - Civil Matter - Other
Report Date/Time 06/10/2025 04:49	Occurrence Date/Time 06/10/2025 04:49
Location 21215 DARTMOUTH DR	Call Source 911
Dispatched Offense C3355 Civil Matter - Other	Verified Offense C3355 Civil Matter - Other
County 63 - Oakland	City/Twp/Village 91 - Southfield
Division Patrol	

Action Requested:

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Arrest warrant | <input type="checkbox"/> Review only |
| <input type="checkbox"/> Search warrant | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Juvenile petition | <input type="checkbox"/> Other |

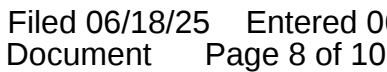


Offenses:		
C3355 - Civil Matter - Other [SOKELEYJ (13333)]		
IBR Code / IBR Group	Offense File Class	
/		
Crime Against	Location Type	Offense Completed
	20 - Residence/Home	Not Applicable
Domestic Violence	Hate/Bias	
No	00 - None (No Bias)	
Using	Cargo Theft	
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No		

People:						
ARD, JACQUELINE ELIZABETH (O-OTHER) (I-PERSON INTERVIEW) [SOKELEYJ (13333)]						
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		ARD	JACQUELINE	ELIZABETH		
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						

MARTINEZ, J (O-OTHER) (L-LAW ENFORCEMENT OFFICER) [SOKELEYJ (13333)]						
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		MARTINEZ	J			SGT.
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
		UNKNOWN				
Street Address	Apt #	County	Country	Home Phone	Work Phone	
26000 Evergreen		OAKLAND	USA			
City	State	Zip	Cell Phone	Email		
Southfield	MI	48037				
Phone/Email						
Type				Description		
BU-Business Phone #1				248.796.5500		

PENHALLEGON, M (O-OTHER) (L-LAW ENFORCEMENT OFFICER) [SOKELEYJ (13333)]						
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		PENHALLEGON	M			OFFICER
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
		UNKNOWN				
Street Address	Apt #	County	Country	Home Phone	Work Phone	
26000 Evergreen		OAKLAND	USA			
City	State	Zip	Cell Phone	Email		
Southfield	MI	48037				
Phone/Email						
Type				Description		
BU-Business Phone #1				248.796.5500		

[illegible]

Property:				
3501 - Automobile/Car/Vehicle (not Stolen Or Recovered) 5403 [SOKELSEYJ (13333)]				
Property Class	IBR Type	UCR Type		
03	03 - Automobiles	V - Other Vehicle (not Stolen or Recovered)		
Status	Count		Value	
I - Information Only	1		1	
Manufacturer	Model	Serial No.	License No.	Color
JEEP	GRAND CHEROKEE	1C4RJFAG3JC479405	95037	BLK - Black
Vehicle Year	Body Style	State	License Year	
	4D - 4 Door	PA		

Description BLACK KEEP GRAND CHEROKEE PA:95037PD		Evidence Tag
Recovered Date/Time	Location	Owner D.

Narrative:**CR No: 250020295-001 Written By: SOKELSEYJ (13333) Date: 06/10/2025 06:38 AM****INITIAL**

I (Specialist Kelsey) and Ofc. Penhallegon were dispatched to 21215 Dartmouth Dr for a reported trouble with subject on the above listed date and time. Dispatch advised the r/p is trying to repossess a vehicle and the subjects there are trying to drive it off his tow truck.

INFORMATION

I made the scene and made contact with the female half of the civil issue, Arlene Grigsby. The tow truck driver was also on scene, Alexander Kivari. Alexander claimed that Arlene tried to drive the BLACK/2018/JEEP/GRAND CHEROKEE/PA:95037PD off the tow lift. She climbed into the vehicle after Alexander agreed to allow her to retrieve her belongings and drove off the vehicle lift. Arlene explained that was not the case, rather the tow driver picked the car up improperly to begin with, and she did not try to drive it off the lift. Alexander stated he wished to have a report generated in case there was damage to the vehicle after being driven off the lift.

Both parties possessed valid orders. Alexander possessed a valid repossession order for the Jeep. Arlene had filed for bankruptcy, the non-official bankruptcy paperwork stated bankruptcy usually grants a stay on debts/repossessions. The bank filed to have the stay lifted regarding the car. The hearing to discuss that is scheduled for 06/18/2025.

DISPOSITION

Eventually Alexander was able to repossess the Jeep with Officers standing by. Arlene was allowed to gather her belongings from the car. I took photos on scene per Alexanders request, although I did not see any damage to the Jeep. My axon body camera was activated during my time on scene. Sgt. Martinez was on scene. Both parties were given incident numbers and advised of the civil matter. I uploaded the scene photos and entered the SD card containing them into BEAST.

CR No: 250020295-002 Written By: SOKELSEYJ (13333) Date: 06/14/2025 02:43 AM

INFORMATION

I (Specialist Kelsey) responded to 21215 Darthmouth Dr for a reported civil issue on 06/10/2025. I completed a report for that incident after clearing the scene.

I was later notified that Arlene Grigsby was not on scene at the time of dispatch nor did she speak with Officers. A miscommunication between Officers resulted in Arlene being added to the report as one of the parties involved in the civil issue. After communicating further with Ofc. Penhallegon, the woman on scene who spoke with Officers and was involved in the incident has been identified as Jaqueline Elizabeth Ard DOB:03/25/1975. Jaqueline is the sister of Arlene. Arlene registers to the address where the incident occurred. Jaqueline and Arlene have similar physical characteristics. Jaqueline returns in [REDACTED] out of South Carolina. [REDACTED]
[REDACTED]

DISPOSITION

Jaqueline has been added to the report, her phone number along with Arlene's have been updated to available current information. I attempted phone contact several times with Arlene and was unable to reach her.